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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,030	01/20/2004	Whiter Shieh	MR2863-150	7088
4586	7590	01/06/2006	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			LEE, GUNYOUNG T	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/759,030	SHIEH, WHITER 	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gunyoung T. Lee	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Applicant's amendment filed on December 8, 2005 has been entered:
  - Claims 1 and 3 have been amended.

### ***Response to Arguments***

2. Applicant's arguments with respect to the claims 1-4 filed on December 8, 2005 have been fully considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informality: the phrase "formed therethrough defining a window" in line 3 of claim 1 does not conform to idiomatic English and United States patent practice. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The claims must be given their broadest reasonable interpretation. See MPEP § 2111.

5. A preamble is not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure (see MPEP § 2111). The information in the preamble is not further given any patentable weight.

6. The functional statement that does not direct to structural limitations of an apparatus has not been given any patentable weight (see MPEP § 2114). The functional statements in the claims are not further given any patentable weight.

7. Claims 1 and 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter (US 6,082,868).

8. In regards to claims 1 and 3-4, as best understood by Examiner, Carpenter discloses a color animated air fan system having:

- A front panel (Fig. 4, 32) having an opening (col. 4, lines 52-56);
- A windmill (Fig. 7, 36) mounted behind the front panel (Fig. 4, 32) to align with the opening;
- A first set of light-emitting elements (Fig. 7, 62 & Fig. 8) (col. 6, lines 32-33 & col. 7, lines 19-20) mounted in **front** of the windmill (Fig. 7, 36);
- A fixing frame (Fig. 7, 20) coupled to the front panel (Fig. 4, 32) (col. 4, lines 49-52);

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- A rear plate (Fig. 5, 34) coupled to the fixing frame (Fig. 7, 20) (col. 4, lines 49-51) and located in alignment with the opening on the front panel (Fig. 4, 32);
- A second set of light-emitting elements (Fig. 7, 64 & Fig. 8) (col. 6, lines 32-33 & col. 7, lines 19-20) mounted in **rear** of the windmill (Fig. 7, 36);
- Wherein the windmill (Fig. 5, 36) is fixed to a front side of the rear plate (34) (through a mounting means; Fig. 27, 56, 54).

Carpenter does not expressly disclose that the first and second sets of light-emitting elements are mounted on the front panel and the rear plate respectively. In regards to the first and second sets of light-emitting elements, Carpenter discloses that the lights from the light-emitting elements (Fig. 7, 62, 64) are reflected on the windmill blades (36) to result in spectacular visual effects (col. 7, lines 17-19). It would have been obvious to one of ordinary skill in the art at the time of the invention to mount the first set of light-emitting elements (Fig. 7, 62 & Fig. 8) of Carpenter on the front panel (Fig. 4, 32) (along the periphery of the panel) and the second set of light-emitting elements (Fig. 7, 64 & Fig. 8) on the rear plate (Fig. 5, 34) to provide more emitting light from the light-emitting elements on the reflecting surfaces of the windmill, which enhances the optical effects while the windmill is rotating. Recently, light-emitting-diodes (LEDs) are commonly used in fan devices to provide optical effects due to their long lifetime, low heat generation and low power consumption. When the LEDs are used as the light-emitting elements for the color animated air fan system of Carpenter, mounting the LEDs on the front and rear panels, instead of the periphery of the housing, will increase the amount of light reaching the windmill blades (reflecting surfaces) significantly and provide more

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spectacular visual effects. Further, the light-emitting elements mounted on the front and rear panels will provide easy accessibility to the light-emitting elements for maintenance or repairing which is very desirable in the design of a lighting device especially with plural light sources.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter (US 6,082,868) as applied to claim 1 above, and further in view of Gatti (US 1,620,457).

10. In regards to claim 2, Carpenter discloses the invention substantially as claimed except for a supporting pike connected to a rear part of the front panel for supporting a device. Gatti discloses a portable fan device (Fig. 1) having a supporting pike (24) (with an adjustable means, 25) connected to a rear part of the front panel (40) for supporting a device. It would have been obvious to one of ordinary skill in the art at the time of the invention to use the support pike of Gatti for the color animated air fan of Carpenter to provide ability to adjust the head of the fan according to the position of the observers. This will increase the safety of the observers, especially when the color animated air fan is placed near children. The high supporting pike will prevent the children from reaching their hands on the rotating blades while the color animated air fan provides spectacular view effects as well as wind by adjusting the head of the device.

***Conclusion***


11. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gunyoung T. Lee whose telephone number is (571) 272-8588. The examiner can normally be reached between 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached at (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GTL  
12/29/2005

  
**JOHN ANTHONY WARD**  
**PRIMARY EXAMINER**